

# New Times in the National Grasslands

## *Federal Agency Marks 50 Years of Managing State's Largest Parcel of Public Land*

Story and Photos by Craig Bihrlé

Fifty years ago, when the U.S. Forest Service started managing more than 1 million acres of North Dakota's grasslands, about the only people who really cared were Forest Service employees who assumed new duties, a few mule deer hunters, and several hundred ranchers who simply had to pay a different agency for the privilege of grazing their cattle on these expanses of public land.

Much has changed.

Over the past several years, as the Forest Service developed a new plan that will guide

grasslands management for the next 10-15 years, thousands of citizens and organizations provided comments, perhaps even including some of those same cattle ranchers and hunters who were around a half-century ago. But this time, the cast of interested bystanders also included mountain bikers, hikers, bowhunters, horseback riders, oil and gas developers, bird watchers, tourism officials and a host of tourism-related business advocates, and many citizens – a fair number who don't even live in North Dakota –

who were simply concerned about what takes place on their public lands.

That so many new faces have now “discovered” the national grasslands and see value in a variety of activities, is a function of the Forest Service's multiple-use management direction that has been developing since the federal agency began managing the grasslands in 1954. It is a direction that has broadened to include many new perspectives, values and users over the years, but it has also involved its share of controversy as well.

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*The national grasslands in North Dakota are not one large block, but rather intermixed public and private land. The Dakota Prairie Grasslands office in Bismarck has comprehensive maps of each unit that show all the details.*



"The public wants to come out and enjoy these lands," says Dave Pieper, who supervises four grasslands units, three of which are in North Dakota, from the Forest Service's Dakota Prairie Grasslands office in Bismarck. "Everybody wants their own little niche, their own little piece of the pie. Sometimes, that creates conflicts."

Fifty years ago, that was seldom the case.

While much of North Dakota was at one time a grassland, the national grasslands managed by the Forest Service are distinct tracts of land in different parts of the state.

The Little Missouri National Grassland is part of western North Dakota. Many people simply refer to that part of the state as the "badlands" – that landscape on both sides of the Little Missouri River with clay-sided buttes, juniper-covered sidehills, and wooded draws connected by rolling prairie grasslands. About 1.1 million acres, or just over half of the land in the badlands region, is public land under Forest Service management. The area also includes other public land like state school land, and about 75,000 acres managed by the U.S. Bureau of Land Management.

The Cedar River National Grassland is about 6,500 acres of prairie nestled near the South Dakota border in western Sioux County.

In southeastern North Dakota, the Sheyenne National Grassland occupies more than 75,000 acres split between Ransom and Richland counties. Part of the Sheyenne Grassland is sometimes called the "sandhills" because it features grass and tree-covered sand dunes as part of an otherwise relatively flat landscape. The Sheyenne

Grassland contains the largest remaining tracts of tallgrass prairie in North Dakota and the country, and has around 40 sensitive plant species

Nationwide, the Forest Service manages about 4 million acres of grasslands, a small portion of the 191-million-acre National Forest System.

While most of that National Forest System was reserved in public ownership in the late 1800s and early 1900s – a good share while Theodore Roosevelt was President – the land that eventually became national grasslands has a different history.

In North Dakota, the grasslands were originally homesteaded and either grazed by cattle or broken up and planted to crops. But much of the land was marginal for either farming or ranching. Most homesteaders had never farmed before and their methods were similar to those of farmers in nearby areas with richer soil and more annual precipitation.

Farming marginal land is not a lucrative venture even in good years, and when times got tough during the drought and depression of the late 1920s and early 1930s, many homesteaders were going bankrupt. Many simply abandoned their farms and went elsewhere to look for work.

Congressional action in the early 1930s allowed the federal government to start buying back and rehabilitating lands in the Great Plains and elsewhere. Many of the purchases in the Great Plains were called Land Utilization Projects. In all, the federal

government bought back more than 11 million acres of private lands.

Another significant piece of early legislation, the Bankhead-Jones Farm Tenant Act of 1937, basically established guidelines for how the government should manage and allow use of these lands. Under this act the principal purpose of these public acquisitions was correcting maladjustments in land use. This basic direction has been amended over the years.

Today, Bankhead-Jones no longer makes references to submarginal lands and its aims have expanded to include protecting fish and wildlife, developing recreational facilities, and developing energy resources.

From the 1930s to 1954, the U.S. Department of Agriculture's Soil Conservation Service – now called the Natural Resources Conservation Service – managed the Land Utilization Projects. At the time, SCS was charged primarily with bringing health back to land damaged by long-term drought.

With that mission mostly accomplished, nearly 4 million acres of LUP land was turned over to the Forest Service, also a USDA agency, which was already managing millions of acres of public land across the country.

While the concept of multiple-use was part of the management direction when the Forest Service took over, 50 years ago there weren't many other users besides ranchers

*In the Sheyenne National Grassland, oak trees grow on rolling grass-covered dunes that were once the beach of glacial Lake Agassiz. When the underlying sand is exposed (inset), erosion can be a serious problem.*



and hunters. "You look at the Forest Service and we've always been a multiple-use agency," Pieper said, but during the 1930s, '40s and '50s, "the focus was quite often on the commodity side of the equation."

The system for managing cattle grazing on the grasslands has been in place since even before the Forest Service took over. The Forest Service leases grazing privileges to rancher organizations called grazing associations. The grazing associations in turn lease those privileges to individual ranchers who, under rules established by the grazing association, must own at least some private land within the grazing association boundary.

When private land with a grazing leases is sold, those grazing permits are typically transferred to the new landowner.

The cost for allowing a cow-calf pair to graze for a month, called an animal month or AM, is established through a formula set by Congress, not by competitive bid as are most federal contracts with private industry.

Cattle grazing was really the only commercial use on North Dakota's national grassland units when the Forest Service assumed management responsibility. For the most part, the Sheyenne and Cedar River grasslands remain that way today. While cattle grazing is still as much a part of the Little Missouri Grassland as ever, it was joined by the oil industry as a commodity in the mid-1950s.

Since oil was discovered in western North Dakota more than 50 years ago, hundreds of

productive wells have popped up on the landscape. Today, about 550 wells are producing on Forest Service land, Pieper says, with about the same number on private land in and around the badlands.

Before oil was discovered, the Little Missouri National Grassland was relatively isolated and inaccessible. Most of the roads were two-track trails. Today, hundreds of miles of improved gravel roads dissect the grasslands, serving oil exploration and well maintenance.

As a byproduct, hunters at first, and then an ever-growing number of sightseers, gained easier access to some of the grasslands' wildest places. It's not that access wasn't always available, it's just that to reach some areas required a few miles of walking or difficult travel over rough roads. That, however, has some good news/bad news connotations. More people, more traffic, meant more disturbance for wildlife accustomed to a relatively human-free existence.

"The biggest impact of oil and gas development isn't the habitat lost to the well or the road accessing it. It's the use of the road," says Mike McKenna, the North Dakota Game and Fish Department's conservation and communications division chief.

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*Bighorn sheep (below, right) and mule deer (above, right) are two big game animals identified with western North Dakota. The Little Missouri National Grassland contains habitat vital to healthy populations of these two species.*

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*Oil and gas development has changed the look on the Little Missouri National Grassland in the last 50 years. Because of federal environmental laws, once wells are no longer producing, the site and the road leading to it, must be reclaimed to a natural state. Sometime in the future, maybe 50 to 100 years from now, this area may have fewer wells and roads than it does today.*



## Public Land, Public Input, Public Use

While increased access for public use was a byproduct of the oil industry, three pieces of federal legislation provided for greater public involvement on how the grasslands, and other federal lands as well, were managed.

Congress passed the Multiple-Use Sustained-Yield Act in 1960, establishing Congressional policy for multiple-use and sustained yield of renewable resources, including outdoor recreation, range, timber, watersheds and fish and wildlife.



### Grasslands Facts

- Since they were purchased, the grasslands have been public land, but public use was not always a priority. Hunting was not permitted at all until 1941. For several years after, hunters needed a permit from a grazing association before they could hunt on land that eventually became the grasslands.

- The Shenyenne National Grassland contains the world's largest meta-population of western prairie fringed orchid, a federally threatened species.

- In 1945, approximately 71,000 cattle were authorized on North Dakota's national grasslands. In 1997, the authorized number was about 68,500. While the number of authorized cattle has decreased slightly, the average weight of a cow, and therefore how much grass each cow eats, has increased significantly. North Dakota State University researchers estimated that in 1945 each cow ate 663 pounds of forage a month, compared to 959 pounds of forage a month in 1997. In 1945, all cows on the Little Missouri National Grassland ate 328 million pounds of forage. In 1997, the total intake was 425 million pounds.

The National Environmental Policy Act in 1969 basically required federal land managers to consider how land management decisions would influence environmental factors on public land.

The National Forest Management Act in 1976 required the Forest Service to develop and implement management plans for each unit of the National Forest System, including national grasslands, based on the multiple-use, sustained-yield concept and involving public input as plans were formulated.

"I think one of the reasons for that act (NFMA) was the allocation of these national resources, these national treasures if you will, and then there was more emphasis put on recreation and wildlife," Pieper stated.

Prior to that, Pieper added, the primary focus on North Dakota's grasslands was livestock grazing, "to keep these dependent ranchers and communities on the land, providing them with additional lands for their livestock and grazing operations."

Over time, that attention to livestock grazing hasn't changed much. What has changed in recent years is the attention given to other uses and values the national grasslands provide. "These are lands that are grazed," Pieper emphasized, "but they're also available for many other uses. I think that's the key, and that's how we're trying to manage the lands today."

Pieper says the national grasslands aren't the only federal lands where use patterns are changing. "Generally, I think in the United States we're seeing more and more emphasis on recreational opportunities on public land," he said. "The public wants to come out and enjoy these lands, and that sometimes creates tension among people. You know, people are going to have to share what they had at one time. They're public lands, people are demanding recreational opportunities. I think we're responding to that."

### State Interest in Federal Lands

While the North Dakota Game and Fish Department has always had more than a passing interest, the new federal laws provided more opportunity for input. Game and Fish administrators feel the national grasslands are a priority for meeting the agency's responsibility for managing the state's wildlife.

"The national grasslands are a million acres of public land that has high potential for particularly unique species, like mule deer, sharp-tailed grouse, pronghorn,

burrowing owls, prairie chickens, short-horned lizards and bighorn sheep," McKenna said. "The wildlife production, coupled with the fact that the public has access to it, it would seem that a major part of our responsibility would be to ensure that the management of these lands is as sympathetic to wildlife and wildlife users, as it could be according to law."

Game and Fish staff spend significant time studying and monitoring wildlife and habitat in the grasslands, about 90 percent of it in the Little Missouri. In addition to surveys for bighorn sheep, mule deer, pronghorn, white-tailed deer and sharp-tailed grouse, Department biologists periodically monitor key habitat features such as hardwood draws and deer browse.

The hardwood draw study is part of a collaborative effort involving Game and Fish and Forest Service staff. Every five years since the mid-1980s, biologists and range specialists revisit specific hardwood draws to analyze habitat health in the area. The Forest Service's plan calls for hardwood draws to be managed to maintain or develop a multi-layer and multi-age community, which basically means the ash trees that dominate these draws are able to reproduce and maintain their presence as important wildlife habitat.

Over time, research has indicated that many study areas are not self-perpetuating or lack dense shrub understory of snowberry and chokecherry, signaling that additional management attention is necessary in these areas in the future.

The wooded draw studies are just one example of how Game and Fish has become more of a partner in grasslands management since public participation became more of a factor after the mid-1970s. McKenna says that in the last 10 or 15 years much progress has been made.

"We still have differences of opinion," McKenna said, but through the NEPA process and other avenues, a professional working relationship has developed.

As the Forest Service's new management plan develops (see sidebar), those differences of opinion could just as well involve the route of a bike trail, or placement of a campground, where in the past disagreements were almost always related to cattle or oil.

"Organized recreational uses such as mountain biking and hiking always seem to want to encroach on undeveloped areas," McKenna said, "and that puts even more pressure on those species needing respite from human disturbance. It seems to me that